

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DESIDERIO LOPEZ,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 2:09-cv-02209-KJD-PAL

**ORDER**

(Motion to Compel Discovery - Dkt. #21)

The court conducted a hearing on Defendant United Parcel Service, Inc.'s Motion to Compel Discovery (Dkt. #21) on October 19, 2010. Plaintiff's prior counsel was permitted to withdraw, and Plaintiff did not appear in person or through substitute counsel. Eric Johnson appeared telephonically on behalf of the Defendant.

In a prior order (Dkt. #26), the court granted counsel for Plaintiff's Motion to Withdraw because of her client's failure to cooperate and communicate with her. At a hearing conducted October 5, 2010, counsel for Plaintiff advised the court that her client was with her in her office, and that she was providing him with a list of attorneys who may be willing to take his case. The court directed Ms. Holman to explain to Mr. Lopez that the court was granting the parties' request for a sixty-day extension of the Discovery Plan and Scheduling Order deadlines, but that the Plaintiff's failure to cooperate in discovery and comply with the extended deadlines would likely result in dismissal of this case for failure to prosecute and failure to comply with his discovery obligations.

The current motion involves Plaintiff's failure to respond to Defendant's First Set of Request for Production of Documents, Interrogatories, and Request for Admissions served July 22, 2010. Plaintiff has not responded to any of these discovery requests, or filed an opposition to the Motion to Compel. Pursuant to Local Rule 7-2(d), "[t]he failure of an opposing party to file points and authorities in

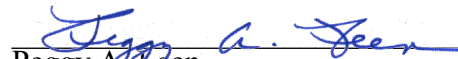
1 response to any motion shall constitute a consent to the granting of the motion.” In the court’s prior  
2 order (Dkt. #26), the court warned the Plaintiff that his failure to meet his discovery obligations may  
3 result in sanctions up to and including a recommendation to the district judge that his case be dismissed  
4 for failure to prosecute, failure to engage in discovery, and failure to comply with the court’s order.

5 Having reviewed and considered the matter,

6 **IT IS ORDERED** that:

- 7 1. Defendant United Parcel Service, Inc.’s Motion to Compel Discovery (Dkt. #21) is  
8 **GRANTED**, and Plaintiff shall have until **November 5, 2010** in which to serve full and  
9 complete responses to Defendant’s First Set of Request for Production of Documents,  
10 Interrogatories, and Request for Admissions served July 22, 2010.
- 11 2. Plaintiff’s failure to timely comply with this order shall result in the imposition of  
12 sanctions up to and including a recommendation to the district judge that his case be  
13 dismissed for failure to prosecute, failure to engage in discovery, and failure to comply  
14 with this court’s order.

15 Dated this 22<sup>nd</sup> day of October, 2010.

17   
18 Peggy A. Green  
United States Magistrate Judge